

FEBRUARY 1, 2012

RULES COMMITTEE PRINT 112-12
TEXT OF H.R. 3521, THE EXPEDITED LEGISLA-
TIVE LINE-ITEM VETO AND RESCISSIONS ACT
OF 2012

**[Showing the text of the bill as reported by the Committee on
the Budget and ordered reported by the Committee on Rules.]**

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Expedited Legislative
3 Line-Item Veto and Rescissions Act of 2012”.

4 **SEC. 2. CONGRESSIONAL CONSIDERATION OF PROPOSED**
5 **RESCISSIONS AND DEFERRALS OF BUDGET**
6 **AUTHORITY AND OBLIGATION LIMITATIONS.**

7 Title X of the Congressional Budget and Impound-
8 ment Control Act of 1974 (2 U.S.C. 621 et seq.) is amend-
9 ed by striking all of part B (except for sections 1015,
10 1016, and 1013, which are transferred and redesignated
11 as sections 1017, 1018, and 1019, respectively) and part
12 C and by inserting after part A the following:

1 “PART B—CONGRESSIONAL CONSIDERATION OF PRO-
2 POSED RESCISSIONS AND DEFERRALS OF BUDGET
3 AUTHORITY AND OBLIGATION LIMITATIONS

4 “CONGRESSIONAL CONSIDERATION OF PROPOSED RESCIS-
5 SIONS AND DEFERRALS OF BUDGET AUTHORITY AND
6 OBLIGATION LIMITATIONS

7 “SEC. 1011. (a) PROPOSED RESCISSIONS.—Within
8 45 days after the enactment of any bill or joint resolution
9 providing any funding, the President may propose, in the
10 manner provided in subsection (b), the rescission of all or
11 part of any dollar amount of such funding.

12 “(b) SPECIAL MESSAGE.—If the President proposes
13 that Congress rescind funding, the President shall trans-
14 mit a special message to Congress containing the informa-
15 tion specified in this subsection.

16 “(1) PACKAGING OF REQUESTED RESCIS-
17 SIONS.—For each piece of legislation that provides
18 funding, the President shall request at most 2 pack-
19 ages of rescissions and the rescissions in each pack-
20 age shall apply only to funding contained in that leg-
21 islation. The President shall not include the same re-
22 scission in both packages.

23 “(2) TRANSMITTAL.—The President shall de-
24 liver each message requesting a package of rescis-
25 sions to the Secretary of the Senate if the Senate is

1 not in session and to the Clerk of the House of Rep-
2 resentatives if the House is not in session. The
3 President shall make a copy of the transmittal mes-
4 sage publicly available, and shall publish in the Fed-
5 eral Register a notice of the message and informa-
6 tion on how it can be obtained.

7 “(3) CONTENTS OF SPECIAL MESSAGE.—For
8 each request to rescind funding under this part, the
9 transmittal message shall—

10 “(A) specify—

11 “(i) the dollar amount to be re-
12 scinded;

13 “(ii) the agency, bureau, and account
14 from which the rescission shall occur;

15 “(iii) the program, project, or activity
16 within the account (if applicable) from
17 which the rescission shall occur;

18 “(iv) the amount of funding, if any,
19 that would remain for the account, pro-
20 gram, project, or activity if the rescission
21 request is enacted;

22 “(v) the reasons the President re-
23 quests the rescission;

24 “(vi) to the maximum extent prac-
25 ticable, the estimated fiscal, economic, and

1 budgetary effect (including the effect on
2 outlays and receipts in each fiscal year) of
3 the proposed rescission;

4 “(vii) to the maximum extent prac-
5 ticable, all facts, circumstances, and con-
6 siderations relating to or bearing upon the
7 proposed rescission and the decision to
8 propose the rescission, and the estimated
9 effect of the proposed rescission upon the
10 objects, purposes, or programs; and

11 “(viii) if a second special message is
12 transmitted pursuant to paragraph (2), a
13 detailed explanation of why the proposed
14 rescissions are not substantially similar to
15 any other proposed rescission in such other
16 message; and

17 “(B) designate each separate rescission re-
18 quest by number; and include proposed legisla-
19 tive text of an approval bill to accomplish the
20 requested rescissions which may not include—

21 “(i) any changes in existing law, other
22 than the rescission of funding; or

23 “(ii) any supplemental appropriations,
24 transfers, or reprogrammings.

1 “GRANTS OF AND LIMITATIONS ON PRESIDENTIAL
2 AUTHORITY

3 “SEC. 1012. (a) PRESIDENTIAL AUTHORITY TO
4 WITHHOLD FUNDING.—Notwithstanding any other provi-
5 sion of law and if the President proposes a rescission of
6 funding under this part, the President may, subject to the
7 time limits provided in subsection (c), temporarily with-
8 hold that funding from obligation.

9 “(b) WITHHOLDING AVAILABLE ONLY ONCE PER
10 PROPOSED RESCISSION.—Except as provided in section
11 1019, the President may not invoke the authority to with-
12 hold funding granted by subsection (a) for any other pur-
13 pose.

14 “(c) TIME LIMITS.—The President shall make avail-
15 able for obligation any funding withheld under subsection
16 (a) on the earliest of—

17 “(1) the day on which the President determines
18 that the continued withholding or reduction no
19 longer advances the purpose of legislative consider-
20 ation of the approval bill;

21 “(2) the 45th day following the date of enact-
22 ment of the appropriations measure to which the ap-
23 proval bill relates; or

24 “(3) the last day that the President determines
25 the obligation of the funding in question can no

1 longer be fully accomplished in a prudent manner
2 before its expiration.

3 “(d) DEFICIT REDUCTION.—

4 “(1) IN GENERAL.—Funds that are rescinded
5 under this part shall be dedicated only to reducing
6 the deficit or increasing the surplus.

7 “(2) ADJUSTMENT OF LEVELS IN THE CONCUR-
8 RENT RESOLUTION ON THE BUDGET.—Not later
9 than 5 days after the date of enactment of an ap-
10 proval bill as provided under this part, the chairs of
11 the Committees on the Budget of the Senate and the
12 House of Representatives shall revise allocations and
13 aggregates and other appropriate levels under the
14 appropriate concurrent resolution on the budget to
15 reflect the rescissions, and the Committees on Ap-
16 propriations of the House of Representatives and the
17 Senate shall report revised suballocations pursuant
18 to section 302(b) of title III, as appropriate.

19 “(3) ADJUSTMENTS TO STATUTORY LIMITS.—
20 After enactment of an approval bill provided under
21 this section, the President shall revise downward by
22 the amount of the rescissions applicable limits under
23 the Balanced Budget and Emergency Deficit Control
24 Act of 1985.

25 “PROCEDURES FOR EXPEDITED CONSIDERATION

26 “SEC. 1013. (a) EXPEDITED CONSIDERATION.—

1 “(1) INTRODUCTION OF APPROVAL BILL.—The
2 majority leader of each House or a designee shall
3 (by request) introduce an approval bill as defined in
4 section 1015 not later than the fifth day of session
5 of that House after the date of receipt of a special
6 message transmitted to the Congress under section
7 1011(b).

8 “(2) CONSIDERATION IN THE HOUSE OF REP-
9 RESENTATIVES.—

10 “(A) REFERRAL AND REPORTING.—Any
11 committee of the House of Representatives to
12 which an approval bill is referred shall report it
13 to the House without amendment not later than
14 the fifth legislative day after the date of its in-
15 troduction. If a committee fails to report the
16 bill within that period or the House has adopt-
17 ed a concurrent resolution providing for ad-
18 journment sine die at the end of a Congress,
19 such committee shall be automatically dis-
20 charged from further consideration of the bill
21 and it shall be placed on the appropriate cal-
22 endar.

23 “(B) PROCEEDING TO CONSIDERATION.—
24 Not later than 5 legislative days after the ap-
25 proval bill is reported or a committee has been

1 discharged from further consideration thereof,
2 it shall be in order to move to proceed to con-
3 sider the approval bill in the House. Such a mo-
4 tion shall be in order only at a time designated
5 by the Speaker in the legislative schedule within
6 two legislative days after the day on which the
7 proponent announces an intention to the House
8 to offer the motion provided that such notice
9 may not be given until the approval bill is re-
10 ported or a committee has been discharged
11 from further consideration thereof. Such a mo-
12 tion shall not be in order after the House has
13 disposed of a motion to proceed with respect to
14 that special message. The previous question
15 shall be considered as ordered on the motion to
16 its adoption without intervening motion. A mo-
17 tion to reconsider the vote by which the motion
18 is disposed of shall not be in order.

19 “(C) CONSIDERATION.—If the motion to
20 proceed is agreed to, the House shall imme-
21 diately proceed to consider the approval bill in
22 the House without intervening motion. The ap-
23 proval bill shall be considered as read. All
24 points of order against the approval bill and
25 against its consideration are waived. The pre-

1 vious question shall be considered as ordered on
2 the approval bill to its passage without inter-
3 vening motion except 2 hours of debate equally
4 divided and controlled by the proponent and an
5 opponent and one motion to limit debate on the
6 bill. A motion to reconsider the vote on passage
7 of the approval bill shall not be in order.

8 “(3) CONSIDERATION IN THE SENATE.—

9 “(A) REFERRAL.—The approval bill intro-
10 duced in the Senate shall be referred to the
11 committees having jurisdiction over the provi-
12 sions of law contained in the approval bill.

13 “(B) COMMITTEE ACTION.—Each com-
14 mittee of referral of the Senate shall report
15 without amendment the approval bill referred to
16 it under this subsection not later than the fifth
17 session day after introduction. If a committee
18 fails to report the approval bill within that pe-
19 riod or the Senate has adopted a concurrent
20 resolution providing for adjournment sine die at
21 the end of a Congress, the Committee shall be
22 automatically discharged from further consider-
23 ation of the approval bill and it shall be placed
24 on the appropriate calendar.

1 “(C) MOTION TO PROCEED.—Not later
2 than 5 session days after the approval bill is re-
3 ported in the Senate or committees have been
4 discharged thereof, it shall be in order for any
5 Senator to move to proceed to consider the ap-
6 proval bill in the Senate. The motion shall be
7 decided without debate and the motion to re-
8 consider shall be deemed to have been laid on
9 the table. Such a motion shall not be in order
10 after the Senate has disposed of a prior motion
11 to proceed with respect to the approval bill.

12 “(D) CONSIDERATION.—If a motion to
13 proceed to the consideration of the approval bill
14 is agreed to, the Senate shall immediately pro-
15 ceed to consideration of the approval bill with-
16 out intervening motion, order, or other busi-
17 ness, and the approval bill shall remain the un-
18 finished business of the Senate until disposed
19 of. Consideration on the bill in the Senate
20 under this subsection, and all debatable motions
21 and appeals in connection therewith, shall not
22 exceed 10 hours. All points of order against the
23 approval bill or its consideration are waived.
24 Consideration in the Senate on any debatable
25 motion or appeal in connection with the ap-

1 proval bill shall be limited to not more than 1
2 hour. A motion to postpone, or a motion to pro-
3 ceed to the consideration of other business, or
4 a motion to recommit the approval bill is not in
5 order. A motion to reconsider the vote by which
6 the approval bill is agreed to or disagreed to is
7 not in order.

8 “(4) AMENDMENTS PROHIBITED.—No amend-
9 ment to, or motion to strike a provision from, an ap-
10 proval bill considered under this section shall be in
11 order in either the Senate or the House of Rep-
12 resentatives.

13 “(5) COORDINATION WITH ACTION BY OTHER
14 HOUSE.—

15 “(A) IN GENERAL.—If, before passing the
16 approval bill, one House receives from the other
17 a bill—

18 “(i) the approval bill of the other
19 House shall not be referred to a com-
20 mittee; and

21 “(ii) the procedure in the receiving
22 House shall be the same as if no approval
23 bill had been received from the other
24 House until the vote on passage, when the
25 bill received from the other House shall

1 supplant the approval bill of the receiving
2 House.

3 “(B) This paragraph shall not apply to the
4 House of Representatives if the approval bill re-
5 ceived from the Senate is a revenue measure or
6 an appropriation measure.

7 “(b) LIMITATION.—Subsection (a) shall apply only to
8 an approval bill introduced pursuant to subsection (a)(1).

9 “(c) CBO ESTIMATE.—Upon receipt of a special
10 message under section 1101 proposing to rescind all or
11 part of any dollar amount, CBO shall prepare and submit
12 to the appropriate committees of the House of Representa-
13 tives and the Senate an estimate of the reduction in budg-
14 et authority which would result from the enactment of the
15 proposed rescissions.

16 “TREATMENT OF RESCISSIONS

17 “SEC. 1014. Rescissions proposed by the President
18 under this part shall take effect only upon enactment of
19 the applicable approval bill. If an approval bill is not en-
20 acted into law within 45 days from the enactment of the
21 appropriation measure to which the approval bill relates,
22 then the approval bill shall not be eligible for expedited
23 consideration under the provisions of this Act.

24 “DEFINITIONS

25 “SEC. 1015. As used in this part:

1 “(1) APPROPRIATION MEASURE.—The term
2 ‘appropriation measure’ means an Act referred to in
3 section 105 of title 1, United States Code, including
4 any general or special appropriation Act, or any Act
5 making supplemental, deficiency, or continuing ap-
6 propriations, that has been enacted into law pursu-
7 ant to article I, section 7, of the Constitution of the
8 United States.

9 “(2) APPROVAL BILL.—The term ‘approval bill’
10 means a bill which only approves rescissions of fund-
11 ing in a special message transmitted by the Presi-
12 dent under this part and—

13 “(A) the title of which is as follows: ‘A bill
14 approving the proposed rescissions transmitted
15 by the President on _____’, the blank space
16 being filled in with the date of transmission of
17 the relevant special message and the public law
18 number to which the message relates; and

19 “(B) which provides only the following
20 after the enacting clause: ‘That the Congress
21 approves the proposed rescissions _____’, the
22 blank space being filled in with the list of the
23 rescissions contained in the President’s special
24 message, ‘as transmitted by the President in a
25 special message on _____’, the blank space

1 being filled in with the appropriate date, ‘re-
2 garding _____.’, the blank space being filled
3 in with the public law number to which the spe-
4 cial message relates.

5 “(3) DAY.—Except as used in section 1013, the
6 term ‘day’ means a standard 24-hour period begin-
7 ning at midnight and a number of days shall be cal-
8 culated by excluding Sundays, legal holidays, and
9 any day during which neither chamber of Congress
10 is in session.

11 “(4) RESCIND OR RESCISSION.—The terms ‘re-
12 scind’ or ‘rescission’ mean to permanently cancel or
13 prevent budget authority or outlays available under
14 an obligation limit from having legal force or effect.

15 “(5) CONGRESSIONAL BUDGET OFFICE.—The
16 term ‘CBO’ means the Director of the Congressional
17 Budget Office.

18 “(6) COMPTROLLER GENERAL.—The term
19 ‘Comptroller General’ means the Comptroller Gen-
20 eral of the United States.

21 “(7) DEFERRAL OF BUDGET AUTHORITY.—The
22 term ‘deferral of budget authority’ includes—

23 “(A) withholding or delaying the obliga-
24 tions or expenditure of budget authority

1 (whether by establishing reserves or otherwise)
2 provided for projects or activities; or

3 “(B) any other type of Executive action or
4 inaction which effectively precludes the obliga-
5 tion or expenditure of budget authority, includ-
6 ing authority to obligate by contract in advance
7 of appropriations as specifically authorized by
8 law.

9 “(8) FUNDING.—(A) Except as provided in sub-
10 paragraph (B), the term ‘funding’ means all or part
11 of the dollar amount of budget authority or obliga-
12 tion limit—

13 “(i) specified in an appropriation measure,
14 or the dollar amount of budget authority or ob-
15 ligation limit required to be allocated by a spe-
16 cific proviso in an appropriation measure for
17 which a specific dollar figure was not included;

18 “(ii) represented separately in any table,
19 chart, or explanatory text included in the state-
20 ment of managers or the governing committee
21 report accompanying such law; or

22 “(iii) represented by the product of the es-
23 timated procurement cost and the total quantity
24 of items specified in an appropriation measure
25 or included in the statement of managers or the

1 governing committee report accompanying such
2 law.

3 “(B) The term ‘funding’ does not include—

4 “(i) direct spending;

5 “(ii) budget authority in an appropriation
6 measure which funds direct spending provided
7 for in other law;

8 “(iii) any existing budget authority can-
9 celed in an appropriation measure; or

10 “(iv) any restriction or condition in an ap-
11 propriation measure or the accompanying state-
12 ment of managers or committee reports on the
13 expenditure of budget authority for an account,
14 program, project, or activity, or on activities in-
15 volving such expenditure.

16 “(9) WITHHOLD.—The terms ‘withhold’ and
17 ‘withholding’ apply to any executive action or inac-
18 tion that precludes the obligation of funding at a
19 time when it would otherwise have been available to
20 an agency for obligation. The terms do not include
21 administrative or preparatory actions undertaken
22 prior to obligation in the normal course of imple-
23 menting budget laws.

24 “EXPIRATION

25 “SEC. 1016. On December 15, 2015, the amend-
26 ments made by the Expedited Legislative Line-Item Veto

1 and Rescissions Act of 2012 shall be replaced by the provi-
2 sions of part B of the Impoundment Control Act of 1974
3 as in effect immediately before the date of enactment of
4 the Expedited Legislative Line-Item Veto and Rescissions
5 Act of 2012.”.

6 **SEC. 3. TECHNICAL AND CONFORMING AMENDMENTS.**

7 (a) EXERCISE OF RULEMAKING POWERS.—Section
8 904 of the Congressional Budget Act of 1974 (2 U.S.C.
9 621 note) is amended—

10 (1) in subsection (a), by striking “1017” and
11 inserting “1013”; and

12 (2) in subsection (d), by striking “section
13 1017” and inserting “section 1013”.

14 (b) CLERICAL AMENDMENTS.—(1) The last sentence
15 of section 1(a) of the Congressional Budget and Impound-
16 ment Control Act of 1974 is amended to read as follows:
17 “Sections 1011 through 1016 of part B of title X may
18 be cited as the ‘Expedited Legislative Line-Item Veto and
19 Rescissions Act of 2012’.”.

20 (2) Section 1017 of such Act (as redesignated) is
21 amended by striking “section 1012 or 1013” each place
22 it appears and inserting “section 1011 or 1019” and sec-
23 tion 1018 (as redesignated) is amended by striking “cal-
24 endar” and “of continuous session”.

1 (3) Section 1019(c) of such Act (as redesignated) is
2 amended by striking “1012” and inserting “1011”.

3 (4) TABLE OF CONTENTS.—The table of contents set
4 forth in section 1(b) of the Congressional Budget and Im-
5 poundment Control Act of 1974 is amended by striking
6 the items relating to parts B and C (including all of the
7 items relating to the sections therein) of title X and insert-
8 ing the following:

“PART B—CONGRESSIONAL CONSIDERATION OF PROPOSED RESCISSIONS AND
DEFERRALS OF BUDGET AUTHORITY AND OBLIGATION LIMITATIONS

“Sec. 1011. Congressional consideration of proposed rescissions and deferrals
of budget authority and obligation limitations.

“Sec. 1012. Grants of and limitations on presidential authority.

“Sec. 1013. Procedures for Expedited Consideration.

“Sec. 1014. Treatment of rescissions.

“Sec. 1015. Definitions.

“Sec. 1016. Expiration.”.

9 (c) EFFECTIVE DATE.—The amendments made by
10 this Act shall apply to funding as defined in section
11 1015(8) of the Congressional Budget Act and Impound-
12 ment Control of 1974 in any Act enacted after the date
13 of enactment of this Act.

14 **SEC. 4. APPROVAL MEASURES CONSIDERED.**

15 Section 314 of the Congressional Budget Act of 1974
16 is amended—

17 (1) by redesignating subsections (b) through (e)
18 as subsections (c) through (f) and by inserting after
19 subsection (a) the following new subsection:

20 “(b) ADJUSTMENTS FOR RESCISSIONS.—(1) When-
21 ever an approval bill passes the House of Representatives,

1 the Committee on the Budget shall immediately reduce the
2 applicable allocations under section 302(a) by the total
3 amount of reductions in budget authority and in outlays
4 resulting from such approval bill.

5 “(2) As used in this subsection, the term ‘approval
6 bill’ has the meaning given to such term in section 1015.”;
7 and

8 (2) in subsection (d) (as redesignated), by in-
9 serting “or (b)” after “subsection (a)”.

